

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE:

SERVICE ONE LLC

Debtor

Case No. 22-40503
Chapter 11

TRUSTEE'S APPLICATION TO APPROVE EMPLOYMENT OF ATTORNEYS

YOUR RIGHTS MAY BE AFFECTED BY THE RELIEF SOUGHT IN THIS PLEADING. YOU SHOULD READ THIS PLEADING CAREFULLY AND DISCUSS IT WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. IF YOU OPPOSE THE RELIEF SOUGHT BY THIS PLEADING, YOU MUST FILE A WRITTEN OBJECTION, EXPLAINING THE FACTUAL AND/OR LEGAL BASIS FOR OPPOSING THE RELIEF.

NO HEARING WILL BE CONDUCTED ON THIS APPLICATION UNLESS A WRITTEN OBJECTION IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN FOURTEEN (14) DAYS FROM THE DATE OF SERVICE SHOWN IN THE CERTIFICATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION. IF NO OBJECTION IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF AN OBJECTION IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING WITH APPROPRIATE NOTICE. IF YOU FAIL TO APPEAR AT THE HEARING, YOUR OBJECTION MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

COMES NOW Mark A. Weisbart, Subchapter V Trustee ("Trustee") in the above-numbered bankruptcy case, and files this his Application to Approve Employment of Attorneys pursuant to 11 U.S.C. § 327, and in support hereof, would show the Court the following:

1. On April 21, 2022, a voluntary petition under Chapter 11 of the Bankruptcy Code was filed by the Debtor. On April 25, 2022, Mark A. Weisbart was appointed the Subchapter V Trustee. On April 28, 2022, the Court entered an Order authorizing Trustee to operate Debtor's business.

2. The Trustee wishes to employ himself and his law office Hayward PLLC (collectively the "Firm") to represent him in the above-numbered bankruptcy case effective as of April 25, 2022.

3. The Trustee has selected the Firm for the reason that it has considerable experience in matters of this nature. The Trustee believes that the Firm is well qualified to represent the

Trustee in this bankruptcy case.

4. The legal services performed by the Firm will include those normally performed by counsel for an operating chapter 11 trustee, including but not be limited to the following:

- a. The preparation of professional employment and fee applications.
- b. The evaluation of claims and causes of action.
- c. Evaluating executory contracts
- d. Pursing the sale of estate assets.
- e. The evaluation of claims against the estate
- f. Addressing legal issues related to Debtor's ongoing operations.
- g. Any legal actions necessary to preserve and protect the bankruptcy estate.

5. The Firm represents no adverse interest to the Trustee or to the bankruptcy estate in the matters for which it is to be engaged. The Trustee will perform legal services through The Firm, on his own behalf, and is familiar with the quality and legal expertise of its members. The Firm's employment would be in the best interest of this estate. To the best of the Trustee's knowledge, the Firm has no connection with the Debtor, the creditors, any other party-in-interest or their respective attorneys, and accountants, the United States Trustee or any person employed in the Office of the United States Trustee. (See attached Affidavit of Mark A. Weisbart).

6. Trustee requests approval to retain the Firm as counsel pursuant to 11 U.S.C. §327(a) as Trustee believes that the retention of the Firm is in the bankruptcy estate's best interest.

7. 11 U.S.C. § 327(a) provides that a trustee may, with the Court's approval, employ one or more attorneys that do not hold or represent an interest adverse to the estate, and that are disinterested persons, to represent or assist the trustee in carrying out the trustee's duties under the Bankruptcy Code.

8. The terms of the employment of the Firm agreed to by the Trustee and subject to

the approval of the Bankruptcy Court, are for services to be rendered at the normal hourly billing rates for legal services performed by the Firm. The Firm's billing rates for attorneys typically range between \$300 to \$500 per hour and between \$100 to \$200 per hour for para-professionals. These rates are subject to annual adjustments at the beginning of each calendar year. The Firm will, from time to time, make application to this Court for approval of its legal fees and reimbursement of its out-of-pocket expenses.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that his Application to Approve Employment of Attorneys be approved by this Court under the terms specified above, and for such other and further relief to which he may show himself to be justly entitled.

Respectfully Submitted,

/s/ Mark A. Weisbart
Mark A. Weisbart
Texas Bar No. 21102650
HAYWARD PLLC
10501 N Central Expy, Suite 106
Dallas, TX 75231
(972) 755-7103 Phone/Fax
MWeisbart@HaywardFirm.com

COUNSEL FOR SUBCHAPTER V TRUSTEE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing instrument was served on the parties on the attached mailing list in accordance with LBR 9013(f) either through the Court's electronic notification system as permitted by Appendix 5005 III. E. to the Local Rules of the U.S. Bankruptcy Court for the Eastern District of Texas, or by first class United States Mail, postage prepaid on this the 3rd day of May 2022.

/s/ Mark A. Weisbart
Mark A. Weisbart

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE:

SERVICE ONE LLC

Case No. 22-40503
Chapter 11

Debtor

**AFFIDAVIT OF ATTORNEYS IN SUPPORT OF TRUSTEE'S
APPLICATION TO APPROVE EMPLOYMENT OF ATTORNEYS**

STATE OF TEXAS §
§
COUNTY OF DALLAS §

I, Mark A. Weisbart, being first duly sworn, under oath, state:

1. "I am an attorney in the law firm of Hayward PLLC (the "Firm") located at 10501 N Central Expy, Suite 106, Dallas, Texas 75231. In that capacity I am authorized to execute this Affidavit and I have personal knowledge of the facts stated herein and they are true and correct.

2. This Affidavit is prepared in connection with the Trustee's Application To Approve Employment of Attorneys in which the Trustee seeks authority to employ himself, his staff and the Firm as his attorneys in this case pursuant to 11 U.S.C § 327.

3. The Firm has not been contacted to represent any of the Debtor's creditors and is itself not a creditor of the Debtor.

4. The Firm has determined that it has not represented any creditors or related entities in matters related to this bankruptcy case. The Firm in the ordinary course of its business, may have represented from time to time entities or individuals which are creditors of the Debtor in unrelated matters. To the best of the Trustee's knowledge, the Firm has no connection with the Debtor, the creditors, any other party-in-interest or their respective attorneys, and accountants, the United States Trustee or any person employed in the Office of the United States Trustee.

5. Based on the foregoing, the Firm believes that it has no adverse interest to the Debtor or to the bankruptcy estate in matters for which it is engaged for the Trustee and that its employment will be in the best interest of this estate. Further, the Firm believes that it has fully complied with the requirements of 11 U.S.C. § 327 and is a “disinterested person” as set forth in such section and that no conflict of interest arises from its employment as Trustee’s counsel. Finally, the Firm has never served as an examiner for the Debtor.

6. The Firm represents that the foregoing constitutes a complete and full disclosure of all prior and current representation of clients which have any connection to this case, and that it has done everything within its power to discover any conflicts. However, the Firm reserves the right to supplement and amend this Affidavit should it discover further information concerning its past and present representation of clients which relates to the Debtor, its creditors and other parties-in-interest, or in any other way is related to this case.

7. The professional services of the Firm will include those identified in the Application and may include services generally performed by counsel for a bankruptcy trustee, such as assisting in the administration of the case, evaluating and pursuing avoidance actions, prosecuting claim objections, investigating into the acts, conduct, assets, liabilities, and financial condition of the Debtor, drafting pleadings, and performing other litigation functions.

8. To the best of my knowledge, the information contained herein is true and accurate.”



MARK A. WEISBART
SUBCHAPTER V TRUSTEE
HAYWARD PLLC

STATE OF TEXAS §
§
COUNTY OF DALLAS §

BEFORE ME, the undersigned Notary Public, on this day personally appeared Mark A. Weisbart, known to me to be the duly authorized agent for the person whose name is subscribed to the foregoing Affidavit, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

SUBSCRIBED TO AND SWORN TO BEFORE ME this 3rd day of May 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

My Commission Expires:



0540-4

Attn: Paul Brake

Case 22-40503

3324 Welch Lane

Eastern District of Texas

Sachse, TX 75048-3187

Sherman

Tue May 3 10:36:39 CDT 2022

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Mark A WEISBART (SBR A V)

Subchapter V Trustee

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End of Label Matrix

Document Mailable recipients

30

Bypassed recipients

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Total

30